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7 KIRBY MORGAN DIVE SYSTEMS, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SURFACE SUPPLIED, INC., a California corporation,) CASE NO. CV 13-0575 MMC
Plaintiff,)
vs.) [Hon. Maxine M. Chesney]
KIRBY MORGAN DIVE SYSTEMS, INC., a California Corporation,)
Defendant.)
AND RELATED COUNTERCLAIMS)
AND COUNTERCLAIMS-IN REPLY)
) JOINT STIPULATION TO EXTEND
) DEADLINE TO FILE REPLY PAPERS IN
) SUPPORT OF KIRBY MORGAN DIVE
) SYSTEMS, INC.'S MOTION TO STRIKE
) COUNTER-DEFENDANT'S AFFIRMATIVE
) DEFENSES AND FIRST, THIRD, FOURTH,
) AND FIFTH CAUSES OF ACTION IN
) THIRD AMENDED COUNTERCLAIM
) (DOCKET NO. 59) AND MOTION TO
) DISMISS COUNTER-DEFENDANT'S
) SIXTH AND SEVENTH CAUSES OF
) ACTION IN THIRD AMENDED
) COUNTERCLAIM (DOCKET NO. 60);
[PROPOSED] ORDER APPENDED
HERETO
Hearing Date: December 20, 2013
Time: 9:00 a.m.
)

JOINT STIPULATION

Pursuant to Civ.L.R. 6-2, Surface supplied, Inc. (“SSI”) and Kirby Morgan Dive Systems, Inc. (“Kirby Morgan”) hereby submit the following stipulation:

WHEREAS, Kirby Morgan has filed two motions (see, Docket Nos. 59, 60) related to the contents of SSI's Amended Answer and Third Amended Counterclaim (see, Docket No. 55);

WHEREAS, the current deadline for SSI's oppositions to Kirby Morgan's motions is on Tuesday, November 26, 2013, and the current deadline for Kirby Morgan's reply papers in support of the motions is Tuesday, December 3, 2013;

WHEREAS, Kirby Morgan's reply papers are due two days after the Thanksgiving holiday, and the current deadline of December 3, 2013 will require counsel for Kirby Morgan to devote substantial time to the reply papers over the Thanksgiving holiday;

WHEREAS, counsel have conferred on this matter, and SSI had agreed to stipulate with Kirby Morgan to an extension of time on the deadline for the reply papers in connection with Kirby Morgan's motions from Tuesday, December 3, 2013 to Friday, December 6, 2013;

WHEREAS, this stipulation is not submitted for purposes of delaying these proceedings, but rather, as an accommodation to Kirby Morgan's counsel vis-à-vis the Thanksgiving holiday;

WHEREAS, Kirby Morgan's motions are currently set for a December 20, 2013 hearing, and no request is made to change the hearing date, unless the Court deems such a change to be necessary.

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1 NOW THEREFORE, the parties, by and through their respective counsel, jointly stipulate
2 and agree that the deadline for Kirby Morgan's reply papers in connection with the motions filed
3 at Docket Nos. 59 and 60 shall be extended from December 3, 2013 to December 6, 2013.

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5 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

6 Date: November 22, 2013, 2013

7 By:


8 HON. Maxine M. Chesney
9 United States District Judge

10 Respectfully submitted,

11 Dated: November 22, 2013

CISLO & THOMAS, LLP

12 By: s/Daniel M. Cislo

13 Daniel M. Cislo
14 Mark D. Nielsen
15 Attorneys for Defendant/Counterclaimant,
16 KIRBY MORGAN DIVE SYSTEMS, INC.

17 Dated: November 22, 2013

ALIOTO & ALIOTO, LLP

18 By: s/John I. Alioto (with permission)

19 John I. Alioto

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21 Anthony T. Cascio

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